

REMARKS

The Present Invention

The invention is a garment for applying compression to a limb. In part, the garment has a central region and lateral regions disposed on opposite sides of the central region. A plurality of bands extends from the opposite lateral regions. The bands extending from opposite lateral regions encircle the limb and are drawn toward and attach to either an opposite band or an opposite lateral region, thereby stretching the central regions and providing a tension in the garment that compresses the limb.

Section 102 (b)

Original Claims 1-14 were rejected as being anticipated by Carpenter (U.S. Patent 6,338,723). Applicant traverses. As explained below, the present invention as represented by new claims 15-42 is structurally distinct from any of the structures disclosed in Carpenter's Figures 15, 16, 18, 21 and 40.

It was said that Carpenter's Figures 15, 16, 18, 21 and 40 disclose

- a central region;
- a plurality of bands extending from opposite lateral regions, the bands comprising
 - a distal region,
 - proximal and distal edges,
 - inner and outer surfaces,
 - and a fastener which secures the distal region to a band extending from the opposite lateral region or to the opposite later or central region so as to encircle the limb and to draw the first lateral region toward the second longitudinal edge to stretch the central region and thereby provide a tension in the garment that will compress the limb.

Applicant believes that new claim 15 does not read on the disclosure of Carpenter. For the sake of convenience, Applicant sets forth new claim 15 below and shows the new language underlined.

15. A flat garment for applying compression to a limb, said garment comprising:

- a. a flat central region having inner and outer surfaces, said central region comprising substantially inelastic material, and lateral regions disposed on opposite sides of the central region;
- b. a plurality of bands extending from said opposite lateral regions, each of said bands comprising
 - i. a planar distal region
 - ii. proximal and distal edges, wherein one or both edges comprise a curve or indentation.
 - iii. inner and outer surfaces,
 - iv. a fastener for detachably securing said distal region to a band extending from the opposite lateral region or to the opposite lateral or central region so as to encircle the limb and to draw the first lateral region toward the second longitudinal edge to stretch the central region and thereby provide a tension in the garment that will compress the limb.

Carpenter Figures 15, 18, 21 and 40 disclose bands in which slots 45 or orifices are formed in the distal region of a plurality of bands. New claim 15 limits the distal region to one that is planar, that is to say, having a surface without voids, orifices, or slots formed therethrough. Support for this new claim 15 comes from examination of the distal regions of the bands as disclosed in Figures 1, 2, 5-15.

Applicant has further limited new claim 15 to avoid anticipation by Carpenter Figure 16. In particular, new claim 15 recites that the proximal and distal edges of the bands are now limited to "proximal and distal edges, wherein one or both edges comprise a curve or an

indentation." In Carpenter Figure 16, the proximal and distal edges are straight edges, not comprising a curve. The Figures of the present invention, however, disclose bands as follows: Figures 1, 9, 10, 13 show bands having curved proximal 35 and distal 40 edges; Figure 3 illustrates all of the bands with edges in which a curve 37 is formed; Figure 5 illustrates the bottom two sets of bands having curved distal edges; Figure 8 illustrates bands in which curves 37 are formed.

None of the garments disclosed in Carpenter's Figures 15, 16, 18, 21 and 40 contain limitations to bands in which the distal regions of bands are *both* planar *and* comprise curved edges. Since all of the limitations in new claim 15 are found in none of the Carpenter referenced Figures, the present invention, as newly claimed, avoids anticipation by the figures disclosed in Carpenter. As new claims 16-25 directed to the garment now incorporate the limitations of new claim 15, they avoid anticipation by the Carpenter reference. Withdrawal of this rejection is respectfully requested.

Over Fowler (U.S. 3,856,008), the Examiner has rejected original claims 1-6, 8, 9, 12 and 13. Applicant traverses. It was said that Fowler's Figures 1 and 3 disclose:

- a central region;
- a plurality of bands (18) extending from opposite lateral regions, the bands comprising
 - a distal region
 - proximal and distal edges
 - inner and outer surfaces
 - a fastener

wherein the fasteners (24) secure the distal region to a band extending from the opposite lateral region or to the opposite lateral or central region so as to encircle the limb and to draw the first lateral region toward the second longitudinal edge to stretch the central region and thereby provide a tension in the garment that will compress the limb.

The Fowler device is actually a tube.. The device of Fowler shown in Figures 1 and 3 is a tubular, leg stocking (Column 5, line 28 – "The preferred embodiment illustrates a leg stocking

....” Column 6, line 58 et seq: “What is claimed is: 1. A leg stocking generally tubular in shape” In fact, all of the claims recite that the invention has a “tubular length” or a “tubular main body portion.” Fowler, therefore, discloses a tubular garment, a long hollow cylinder (i.e. a tube).

Applicant’s newly submitted claim 15 recites in the preamble that the garment is *flat* and that the central region is *flat*. Support for this limitation is found in Figures 1, 3, 5-15. Clearly, the limitations of a flat garment having a flat central region do not read on Fowler’s tubular device. The “central region” of the Fowler garment is a section of a tubular garment, i.e. wall of a long, hollow cylinder, which, by definition, is arcuate or curved, not flat. The flat central region of the present invention does not read on the arcuate wall of the Fowler tubular garment. As new claims 16-25 now incorporate the limitations of the new claim 15, they avoid anticipation by the Fowler reference. Accordingly, the new claims to the present invention are not anticipated by the Fowler disclosure. Withdrawal of this rejection is kindly requested.

Regarding New Claims 26-35

New claim 26 (and dependent claims 27-35) is directed to a garment in which limb compression bands are separated from adjacent bands by extending from spaced-apart locations along the respective lateral region. New claim 26 has the further limitation that the proximal and distal edges of the bands are straight. Figure 12 illustrates an embodiment of the device in which adjacent bands extend from spaced-apart locations on their respective lateral regions, and in which the proximal and distal edges are straight. Neither the cited Carpenter reference figures nor the Fowler reference anticipate the device of new claims 26-35 for reasons explained above.

New claims 36-42 are drawn to methods of using the garment as limited by either new claims 15-25, or new claims 26-35. Avoidance of anticipation by the Carpenter and Fowler references, as explained above, renders the requisite novelty to new method claims 36-42. Withdrawal of the rejections to the method claims and allowance of new claims 36-42 is requested.

Section 103

The Examiner found that the combination of Fowler in view of Carpenter rendered original claims 10, 11 and 14 obvious. It was said that Fowler discloses the claimed invention. As explained above, the new claims submitted herein avoid anticipation by the Fowler device. Also, the new claims avoid anticipation by the Carpenter disclosure, as explained above. Fowler or Carpenter, individually, do not anticipate the newly claimed invention. Furthermore, the Examiner has not cited any passages or teaching of Fowler or Carpenter which yields a device which is read upon by all of the limitations of the presently claimed invention. The limitations of the present invention do not read upon Fowler and Carpenter, individually or in combination. Thus, the device of the present invention would not have been obvious at the time of the invention to a person of ordinary skill in the art. Withdrawal of this rejection is requested.

Based on the cancellation of original claims 1-14 and the addition of new claim 16-42, and the remarks submitted herein, Applicant respectfully requests withdrawal of all of the rejections and advancement of the pending claims toward allowance.

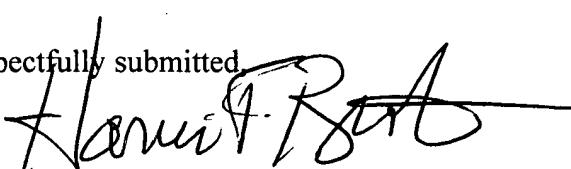
A petition for a one month extension is included in this communication.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 50-1990.

Dated: 31 Oct 05

Respectfully submitted,

By:


 Harris F. Brotman
 Attorney for Applicant
 Registration No. 35,461

GORDON & REES, LLP
 101 West Broadway, Suite 1600
 San Diego, California 92101
 Telephone: (619) 696-6700
 Facsimile: (619) 696-7124

Docket No.: CAID 1019480